

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HOWARD L. LANGFORD,

Plaintiff,

vs.

PHYSICIANS MUTUAL
INSURANCE COMPANY,

Defendant.

8:16-CV-531

ORDER TO SHOW CAUSE

This matter is before the Court on its own motion. The Court will order the plaintiff to show cause why this case should not be dismissed as duplicative litigation, and will suspend the defendant's answer deadline pending the plaintiff's showing.

This case is functionally identical to another, earlier-filed case that the plaintiff has pending against the defendant in this Court, No. 8:16-cv-16. *Compare filing 1 with No. 8:16-cv-16 filing 26.* But, as a general policy, duplicative litigation in federal courts should be avoided. *Missouri ex rel. Nixon v. Prudential Health Care Plan, Inc.*, 259 F.3d 949, 953 (8th Cir. 2001) (citing *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976)). Plaintiffs may not pursue multiple federal suits against the same party involving the same controversy at the same time. *Id.* at 954. And federal courts may decline to exercise their jurisdiction in order to prevent duplicative litigation. *Id.* at 952. Specifically, "a district court may, for reasons of wise judicial administration, dismiss one of two identical, pending actions." *Id.* at 953 (quotation omitted); see *Parker v. Matthews*, 71 F. App'x 613, 614 (8th Cir. 2003). A plaintiff has no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant. *See id.*

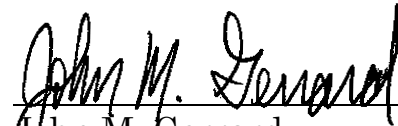
Accordingly, the Court will order the plaintiff to show cause why this case should not be dismissed in favor of the earlier-filed case. *Cf. Anheuser-Busch, Inc. v. Supreme Int'l Corp.*, 167 F.3d 417, 419 n.3 (8th Cir. 1999); *cf. also Parker*, 71 F. App'x at 614.

IT IS ORDERED:

1. On or before January 24, 2017, the plaintiff shall show cause why this case should not be dismissed as duplicative.
2. The defendant's deadline pursuant to Fed. R. Civ. P. 12(a)(1), to answer or otherwise respond to the complaint in this case, is suspended pending further order of this Court.
3. The plaintiff's failure to comply with this show cause order may result in dismissal of this case without further notice.
4. The Clerk of the Court shall set a show cause deadline of January 24, 2017.

Dated this 4th day of January, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge